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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/052,278 03/30/98 ROBIN

M MSI-206USC1

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EXAMINER

HARRISON, C

ART UNIT

PAPER NUMBER

2779

DATE MAILED:

09/13/00

8

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

9

# Office Action Summary

Application No.  
09/052,278

Applicant(s)

Robin

Examiner  
Chante' Harrison

Group Art Unit  
2779



☒ Responsive to communication(s) filed on Jul 11, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-4 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-4 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☒ The proposed drawing correction, filed on Jul 11, 2000 is ☒ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☒ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2779

### **DETAILED ACTION**

1. This action is responsive to communications: Amendment A, filed on 7/11/00.
2. Claims 1-4 are pending in the case. Claims 1 and 3 are independent claims.

#### ***Oath/Declaration***

3. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because: the inventor's signature and date is not legible.

#### ***Drawings***

4. The proposed drawing corrections and/or the proposed substitute sheets of drawings, filed on 7/11/00 have been approved by Examiner. Thus, the objection to the drawings for including and/or not including reference signs mentioned in the description is withdrawn.

Art Unit: 2779

*Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robertson et al., U.S. Patent 5,596,347, 1/1997, 345/157.

As per independent claim 1, Robertson discloses providing a plurality of controls on a screen of a video display device (FIGS. 3B & 3D; col. 5, ll. 14-20), identifying a control group (col. 5, ll. 20-27; FIG. 2a; col. 6, ll. 24-32), the group comprised of at least two controls (FIG. 3C), representing the control group with a single status indicator and directing the activation of the controls of the control group by storing an active value in the single status indicator (col. 7, ll. 20-30; col. 6, ll. 29-31). It would have been obvious to one of ordinary skill in the art at the time of invention to use the disclosure of Robertson because he teaches associating a list of controls with operative windows.

As per dependent claim 2, Robertson discloses identifying a location that the cursor points to (col. 6, ll. 36-44), identify a control position for each control of the control group (col. 6, ll. 55-60), the control position defining a location on the screen for the activated control (col. 6, ll.

Art Unit: 2779

40-43, 54-58), discloses determining a control distance, the distance defining a control connecting path which connects the identified location with the control position, calculating a control angle, the angle formed between the control connecting path and a last direction of cursor movement path, and calculating a weighted distance (col. 2, ll. 22-56; col. 4, ll. 42-55).

As per independent claim 3, Robertson discloses a memory (FIG. 1), a control grouping identifier contained in memory (col. 4, ll. 42-45), the identifier has an active state and an inactive state and the identifier represents the controls of the control grouping (col. 6, ll. 34-46; col. 7, ll. 20-30). The rejection as applied to claim 1 is included herein.

As per dependent claim 4, Robertson discloses the control grouping identifier is a bit of a control word (col. 5, ll. 23-25).

Art Unit: 2779

***Response to Arguments***

4. Applicant's arguments with respect to claims 1-4 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 2779

*Conclusion*

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 305-9051, (for formal communications intended for entry)

**OR:**

(703) 308-6606 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal  
Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner  
should be directed to Chante' Harrison whose telephone number is (703) 305-3937. She can  
normally be reached on Monday-Thursday from 8:00am - 5:00pm.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor Mark  
Powell, can be reached on (703) 305-9703.

Any inquiry of a general nature or relating to the status of this application should be  
directed to the Group receptionist whose telephone number is (703) 305-3900.

Chante' Harrison

September 8, 2000



MARK R. POWELL  
SUPERVISORY PATENT EXAMINER  
GROUP 2700